

# Exhibit C

**From:** Pizzutelli, Jessica F.  
**To:** [McNerney, Christopher](#); [Stork, Elizabeth V.](#); [Polito, Jacqueline Phipps](#)  
**Cc:** [Miazad, Ossai](#)  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]  
**Date:** Monday, February 25, 2019 8:03:46 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)

Chris,

Following up on our call, we discussed with our client, and continue to believe that a Rule 26(f) conference and discovery at this early juncture is premature for the reasons stated in our February 7, 2019 letter. As we discussed, if Defendant's motion to dismiss is granted, the case would be dismissed in its entirety and eliminate the need for any discovery. During our call, you acknowledged that you may only have state law claims under Article 23-A once the Motion is decided. If those state claims remain, Named Plaintiffs would have to file a separate lawsuit against the Company to assert same, which may be subject to a motion to dismiss in its own right. In addition, only after filing this hypothetical separate lawsuit would Named Plaintiffs be in any position to assert that they are entitled to any discovery regarding such claims. In addition, such claims would only be individual claims, and not class claims, and therefore the scope of discovery would be entirely different. Thus, while we considered your position, it does not change our belief that a Rule 26(f) conference and discovery in *this case* is premature at this time and that engaging in discovery at this juncture is futile.

Please let me know if you have any questions or would like to discuss.

Thanks,  
 Jessica

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**From:** McNerney, Christopher [mailto:cmcnerney@outtengolden.com]  
**Sent:** Monday, February 25, 2019 10:19 AM  
**To:** Pizzutelli, Jessica F.; Stork, Elizabeth V.; Polito, Jacqueline Phipps  
**Cc:** Miazad, Ossai; NTT Plaintiffs Counsel  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Jessica,

I wanted to follow-up on our discussion on the 15th of February. What is NTT's position as to Plaintiffs' proposal on targeted discovery and ESI discussions?

Best,  
 Christopher

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**From:** Pizzutelli, Jessica F. <JPizzutelli@littler.com>  
**Sent:** Thursday, February 14, 2019 1:16 PM  
**To:** McNerney, Christopher <cmcnerney@outtengolden.com>; Stork, Elizabeth V. <estork@outtengolden.com>; Polito, Jacqueline Phipps <jpolito@littler.com>  
**Cc:** Miazad, Ossai <om@outtengolden.com>  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Sure, that time works for me.

Jessica

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**From:** McNerney, Christopher [mailto:cmcnerney@outtengolden.com]  
**Sent:** Wednesday, February 13, 2019 11:47 AM

**To:** Pizzutelli, Jessica F.; Stork, Elizabeth V.; Polito, Jacqueline Phipps  
**Cc:** Miazad, Ossai  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Thanks, Jessica. How about 3pm Friday? If that works, we can circulate a dial-in.

Best,  
Christopher

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**From:** Pizzutelli, Jessica F. <JPizzutelli@littler.com>  
**Sent:** Tuesday, February 12, 2019 9:21 PM  
**To:** McNerney, Christopher <cmcnerney@outtengolden.com>; Stork, Elizabeth V. <estork@outtengolden.com>; Polito, Jacqueline Phipps <jpolito@littler.com>  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Hi, Christopher,

Sure, how about Friday?

Jessica

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**From:** McNerney, Christopher [<mailto:cmcnerney@outtengolden.com>]  
**Sent:** Tuesday, February 12, 2019 2:14 PM  
**To:** Pizzutelli, Jessica F.; Stork, Elizabeth V.; Polito, Jacqueline Phipps  
**Cc:** NTT Plaintiffs Counsel  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Thank you for your letter, Jessica. We believe the authority provided in our February 4th letter supports having a Fed. R. Civ. P. 26(f) conference now, despite the pending motion to dismiss.

Are you available Thursday or Friday to confer over this issue?

Best,  
Christopher

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**From:** Pizzutelli, Jessica F. <JPizzutelli@littler.com>  
**Sent:** Thursday, February 7, 2019 4:06 PM  
**To:** McNerney, Christopher <cmcnerney@outtengolden.com>; Stork, Elizabeth V. <estork@outtengolden.com>; Polito, Jacqueline Phipps <jpolito@littler.com>  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Hi, Christopher,

Please see the attached letter.

Jessica

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**From:** McNerney, Christopher [<mailto:cmcnerney@outtengolden.com>]  
**Sent:** Thursday, February 07, 2019 3:26 PM  
**To:** Stork, Elizabeth V.; Polito, Jacqueline Phipps; Pizzutelli, Jessica F.  
**Cc:** NTT Plaintiffs Counsel; Rybinski, Danielle  
**Subject:** RE: Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Counsel,

I wanted to follow-up on my colleague's e-mail. Please let us know your availability for the parties' Fed. R. Civ. P. 26(f)

conference.

Best,  
Christopher

Outten & Golden LLP



**Christopher M. McNerney | Associate**

Pronouns: he/him/his  
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**From:** Stork, Elizabeth V.

**Sent:** Monday, February 4, 2019 2:45 PM

**To:** [jpolito@littler.com](mailto:jpolito@littler.com); [jpizzutelli@littler.com](mailto:jpizzutelli@littler.com)

**Cc:** NTT Plaintiffs Counsel <[NTTPlaintiffsCounsel@outtengolden.com](mailto:NTTPlaintiffsCounsel@outtengolden.com)>; Rybinski, Danielle  
<[DRybinski@outtengolden.com](mailto:DRybinski@outtengolden.com)>

**Subject:** Mandala v. NTT Data - correspondence and discovery requests [IWOV-OGDMS.FID588176]

Dear Counsel,

Attached please find a letter from Plaintiffs' counsel, Plaintiffs' First Set of Requests for the Production of Documents, Plaintiffs' First Set of Interrogatories, and a proposed Stipulation and Proposed Order Concerning the Production of ESI.

Best,  
Liz

**Elizabeth V. Stork**  
**646-825-9808**

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